UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/950/Add.2
7 October 1997

ORIGINAL: ENGLISH

Fifty-second session
Agenda item 157
United Nations reform: measures
and proposals

RENEWING THE UNITED NATIONS: A PROGRAMME FOR REFORM

Report of the Secretary-General

Addendum

Rationalization of the subsidiary machinery of the Economic and Social Council

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1. The present note provides background information on the recommendations relating to paragraph 135 of the report of the Secretary-General entitled "Renewing the United Nations: a programme for reform" (A/51/950), concerning the consolidation of certain of the subsidiary bodies of the Economic and Social Council.

A. Consolidation of the work and functions of the Committee on New and Renewable Sources of Energy and Energy for Development and the Committee on Natural Resources into the Commission on Sustainable Development

2. The terms of reference of the Committee on New and Renewable Sources of Energy and Energy for Development, in addition to the implementation of the Nairobi Programme of Action (adopted in 1981), include consideration of the relation between energy on the one hand, and environment and development and relevant sections of Agenda 21 on the other. There is increasing recognition that the question of energy requires more attention in the context of sustainable development. The long-term sustainability of patterns of production and consumption, the need for sustainable energy policies, development of technologies for the economically efficient and environmentally sound use of energy and climate change considerations are issues which require international attention in the context of sustainable development. Since many of these issues fall within the general competence of the Committee, it could become an expert body reporting to the Economic and Social Council through the Commission on Sustainable Development, with which it would then have much closer linkages. The expert body would continue its consideration of other issues as required by the Nairobi Programme of Action and as reaffirmed by the Economic and Social Council in its resolution 1992/62 of 31 July 1992, including its system-wide monitoring role in the field of new and renewable sources of energy. At the same time, closer coordination would be required with the United Nations Environment Programme on the question of sustainability and environmental considerations (see subprogramme 10.2 of the medium-term plan for the period 1998-2001[1]) as well as with the regional commissions which have work programmes in this area.

3. The Committee on Natural Resources meets in two sessions, dealing in one session with water resources and in the other with mineral resources. The work of the Committee in respect of water resources should be seen in the light of the mandate of the United Nations Environment Programme[2] and the future agenda of the Commission on Sustainable Development beginning at its sixth session,[3] wherein Governments call for a dialogue under the aegis of the Commission aimed at building a consensus on the necessary actions, and in particular on the means of implementation and on tangible results, in order to consider initiating a strategic approach for the implementation of all aspects of the sustainable use of fresh water for social and economic purposes. The proposal to consolidate the activities of the Committee on Natural Resources on this issue with the Commission on Sustainable Development should therefore be viewed against this background. At the Secretariat level, consolidation has taken place in the context of the organization of the new Department of Economic and Social Affairs. At the inter-agency level, the Administrative Committee on Coordination Subcommittee on Water Resources, acting as a task manager, reports

to the Inter-Agency Committee on Sustainable Development, which in turn makes the task managers' reports available as background documents to the Commission on Sustainable Development.

4. On the question of mineral resources, the regional commissions have developed substantive capacities in this area.[4] Advisory services were decentralized to the regional commissions for this purpose. The main thrust of activities in this area, including in the context of subprogramme 8.2, is related to the sustainability of production and consumption patterns as well as environmentally sound production practices. These questions could be addressed by the Commission on Sustainable Development should the Commission decide that the question of mineral resources should be included in its future agenda. Regional commissions could be requested to provide inputs in the context of their work programmes indicated above, including on questions of sustainability of production and consumption patterns. The United Nations Conference on Trade and Development (UNCTAD) could provide inputs with regard to mineral resources from the perspective of the developmental implications, including commodity trade and commodity dependence.

5. The recommendation with regard to the consolidation of the work of the above committees with the Commission on Sustainable Development could be considered in the following form:

(a) The Committee on New and Renewable Sources of Energy and Energy for Development could become an expert advisory body reporting to the Economic and Social Council through the Commission on Sustainable Development;

(b) The work of the Committee on Natural Resources having to do with water resources could be absorbed by the Commission on Sustainable Development, on the understanding that the Commission could set up an expert body to deal with the full range of water-related issues falling within the mandate of the former Committee and its own agenda;

(c) The work on mineral resources could be undertaken by a group of experts on this matter reporting to the Economic and Social Council through the Commission on Sustainable Development.

B. The Commission on Science and Technology for Development to become a subsidiary body of the UNCTAD Trade and Development Board with the UNCTAD secretariat continuing to provide the substantive servicing secretariat of the Commission

6. The Commission on Science and Technology for Development at present reports to the Economic and Social Council. The servicing secretariat was consolidated in the UNCTAD secretariat in accordance with General Assembly resolution 47/212 B of 6 May 1993. The fundamental rationale for consolidating the work on technology in UNCTAD was that the nexus between trade, investment, technology and services and their financial underpinnings was increasingly recognized in a variety of policy initiatives both nationally and internationally, including by the General Assembly, which reiterated that UNCTAD was the most appropriate

focal point within the United Nations for the integrated treatment of key issues including trade, finance, investment, services and technology. In the context of the Uruguay Round of multilateral trade negotiations, services, technology and investment were seen a "single undertaking". At the ninth session of UNCTAD, the Conference invited the Economic and Social Council and the General Assembly to consider the relationship between the Centre for Science and Technology for Development and UNCTAD, taking account of the particular responsibilities of UNCTAD in this field, including its programme of work.

7. The interface between the Commission and the UNCTAD secretariat, its substantive servicing secretariat, needs to be enhanced. UNCTAD has through the years acquired considerable capacity in questions related to the transfer and development of technology. The issue of science and technology is a major area of concern as it is increasingly one of the important factors determining the competitiveness of countries and firms. In order to ensure the integrated treatment of science and technology with other sectors, the Trade and Development Board could oversee the work of the Commission. In line with the mandate of the Commission, it would be understood that it would remain available to serve the system as a whole on matters of a general interest related to science and technology.

8. In order to enhance further the capacity of the Commission to discharge its mandate effectively, its expertise would need to be built around a well-organized and focused programme of work dealing with issues of relevance to the international community. Its programme of work could be of two-year cycles and its members chosen in accordance with their expertise in the areas identified in the programme of work. Substantive servicing by the UNCTAD secretariat and a high level of expertise in the membership of the Commission would obviate the need for the Commission to engage consultants.

9. The election of members of the Commission could be undertaken by the Trade and Development Board. The Board would also consider and approve the programme of work and the dates and venues of the Commission's meetings as well as of its inter-sessional meetings. The UNCTAD secretariat would ensure the substantive servicing of the Commission. Requests for the provision of expert advice could be received from the subsidiary machinery of the Economic and Social Council or from the rest of the system through the Council. The Bureau of the Trade and Development Board would finalize the Commission's agenda for the given biennium in consultation with the Bureau of the Economic and Social Council.

C. Consolidation of the functions of the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs into a single Commission. The International Narcotics Control Board would report to the new Commission

10. The recommendation to consolidate the functions of the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs into a single Commission is predicated on the need to identify the common elements that link various aspects of organized crime and to develop comprehensive policies which can be conducive to combating these phenomena more effectively at both the

national and the international levels. This is particularly relevant in the context of the relationship between the work of the Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East and the regional meetings of the operational heads of national drug law enforcement agencies for Asia and the Pacific, for Africa, for Latin America and the Caribbean, with subprogramme 12.1 (para. 12.3 (c)) related to crime prevention and criminal justice. The latter places emphasis on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, taking into account the growing dangers of links between organized transnational crime, terrorist crimes and drug trafficking. There are undoubtedly many elements in both work programmes which do not lend themselves to such consolidation. Such elements are particularly germane to the individual issue areas, such as the questions related to the criminal justice system, the treatment of offenders, crop substitution, drug abuse prevention and drug control. Such areas of work would require separate treatment, entailing different sets of expertise which can be organized around expert bodies as they are currently constituted. Furthermore, technical assistance activities in all areas need to be substantially enhanced.[5]

D. The Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting to be maintained as an expert body reporting through the UNCTAD Commission on Investment, Technology and Related Financial Issues

11. The Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting previously reported to the Economic and Social Council through the Commission on Transnational Corporations. This programme was transferred to UNCTAD in 1993 along with the Centre on Transnational Corporations. The General Assembly, in its resolution 49/130 of 19 December 1994, decided that the Commission on Transnational Corporations should become a commission of the Trade and Development Board and be renamed the Commission on International Investment and Transnational Corporations. In the same resolution the General Assembly decided "that the Commission will keep under review the work of the Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting" (para. 5).

12. At the ninth session of UNCTAD, former subsidiary bodies of the Trade and Development Board were abolished and three new commissions were established. Among them was the Commission on Investment, Technology and Related Financial Matters. A decision was also made to convene no more than 10 expert groups per year. Questions have now been raised as to the current status of the Intergovernmental Working Group of Experts in the context of UNCTAD. The Economic and Social Council, at its organizational session of 1997 elected the membership of the Intergovernmental Working Group through 1999. Taking this into account and in view of the fact that no formal decision has been taken with regard to a change of status of the Intergovernmental Working Group, either by the Council or by the General Assembly, it can be assumed that the Council continues to consider it as one of its expert bodies. In the light of the above, a formal decision by the Council on the status of the Intergovernmental

Working Group would help to clarify the ambiguity presently surrounding that body. As many delegations find its work to be highly useful, the recommendation is to maintain the Intergovernmental Working Group as a body reporting through the UNCTAD Commission on Investment, Technology and Related Financial Issues. It would be for the Trade and Development Board, however, to determine whether its meetings should be included within the statutory limit of 10 expert group meetings per year as defined by the ninth session of UNCTAD,[6] or in addition thereto.

E. The work of the Ad Hoc Group of Experts in International Tax Matters to be reviewed after the completion of its present mandate

13. The Economic and Social Council, in its resolution 1273 (XLIII) of 4 August 1967, requested the Secretary-General to set up a group of experts to explore ways and means for facilitating tax treaties between developed and developing countries. A group of experts was set up for this purpose and in 1980 finalized the United Nations Model Double Taxation Convention between Developed and Developing Countries. Subsequently the Ad Hoc Group of Experts on Cooperation in Tax Matters was established by the Council in 1980 to examine the question of international tax evasion and avoidance "with a view to working out, as soon as possible, proposals for international cooperation to combat such [tax] evasion and avoidance".[7] The Group consists of 20 tax experts from 10 developed and 15 developing countries, nominated by Governments but acting in their personal capacities. The Group generally meets biennially. The Council may wish to review the future of the Group upon completion of its current mandate.

F. The Committee on Economic, Social and Cultural Rights to report to the Economic and Social Council through the Commission on Human Rights

14. The Economic and Social Council, in 1978, decided to set up a sessional working group on the implementation of the International Covenant on Economic, Social and Cultural Rights. Later, in 1985, the Council decided that the sessional working group would be renamed the Committee on Economic, Social and Cultural Rights. The Committee has 18 members who are experts with recognized competence in the field of human rights, serving in their personal capacities and selected from among parties to the Convention. It is recalled that the Commission on Human Rights has established a Working Group on the Right to Development to identify obstacles to the implementation and realization of the Declaration on the Right to Development.[8] In 1996, the Commission decided to establish an intergovernmental group of experts with a mandate to elaborate a strategy for the implementation of the Declaration in its integrated and multidimensional aspects. In the light of the close relationship between some of the issue areas in the context of the Covenant and work of the Group of Experts and in order to ensure that there is sufficient cross-fertilization and coordination between the work of the two bodies, both bodies would benefit if the report of the Committee on Economic, Social and Cultural Rights were submitted to the Council through the Commission on Human Rights.

Notes

[1] Official Records of the General Assembly, Fifty-first Session, Supplement No. 6 (A/51/6/Rev.1).

[2] Ibid., programme 10, subprogramme 10.1, paras. 10.5-10.7.

[3] See A/S-19/29, para. 35.

[4] See subprogrammes 14.2, 14.5, 15.4, 17.7 and 18.1 of the medium-term plan for the period 1998-2001 (Official Records of the General Assembly, Fifty-first Session, Supplement No. 6 (A/51/6/Rev.1).

[5] Regarding changes at the secretariat level, see paras. 144 and 145 of the report of the Secretary-General (A/51/950).

[6] See A/51/308, annex, paras. 114 and 115.

[7] Economic and Social Council resolution 1980/13, para. 7.

[8] General Assembly resolution 41/128, annex.